

REMARKS

Claims 1-14, 16-18 and 21-23 are pending in the Application. Claim 1 is an independent claim and claims 2-7 and 21 depend therefrom. Claim 8 is an independent claim and claims 9-13 and 22 depend therefrom. Claim 14 is an independent claim and claims 15-18 and 23 depend therefrom. Claims 15, 19 and 20 were previously canceled. Claims 1, 8, 14 and 16 are currently amended. The Applicant respectfully requests that the application be reconsidered in view of foregoing amendments and the following remarks.

Rejections Under 35 U.S.C. §102(e) - MacInnis

Claims 1-14 and 16-18 were rejected under 35 U.S.C. §102(e) as being anticipated by MacInnis et al. (U.S. Pub. No. 2003/0185306, hereinafter "MacInnis"). Without acknowledging that MacInnis qualifies as prior art under 35 U.S.C. §102(e), the Applicant respectfully traverses the rejections for at least the following reasons.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding claim 1, the Applicant respectfully submits that the cited sections of MacInnis fail to teach, suggest, or disclose, for example, "a host processor for providing an indication to the video decoder indicating the particular encoding standard, wherein **the video decoder, comprising the master processor**, for decoding the video data encoded with the particular standard is **discrete from the host processor**," as set forth in Applicant's independent claim 1.

The Applicant first notes that the Response to Arguments section of the Office Action alleges that “there is nothing in the claim language indicates that the video decoder, and the host processor are separate or part of each other.” (Office Action, Page 2, Point 3, Lines 7-9). However, the Applicant notes that the Applicant’s independent claim 1 explicitly recites that **“the video decoder, comprising the master processor, for decoding the video data encoded with the particular standard is discrete from the host processor.”** Merriam-Webster’s Online Dictionary defines “discrete” as “constituting a separate entity.” (Merriam Webster Online, “discrete,” <http://www.merriam-webster.com/dictionary/discrete>). Thus, contrary to the assertion in the Office Action, the Applicant notes that by reciting that the video decoder is discrete from the host processor, the Applicant’s independent claim 1 clearly indicates that the host processor and the video decoder are separate from each other.

Second, the Office Action states in the Response to Arguments section of the Office Action that “MacInnis discloses several examples that indicates the decoder and the host are separate (fig. 3) or part of each other.” (Office Action, Pages 2-3, Point 3, Lines 9-11). However, the Applicant notes that the Office Action fails to cite to any of these several examples. Instead, the Office Action merely cites to Figure 3, which discloses a core decoder processor 302 that is part of a video decoding system 300. Further, the Applicant notes that it appears the Examiner is interpreting MacInnis’s core decoder processor 302 to be a host processor. However, as shown in MacInnis’s Figure 3, MacInnis’s core decoder processor 302 is part of video decoding system 300. In fact, the Examiner explicitly acknowledged in the previous Office Action that MacInnis’s core decoder processor 302 was part of MacInnis’s video decoder. (See *e.g.*, December 29, 2008 Non-Final Office Action, Page 4, Lines 5-7). Also, MacInnis states that “[t]he core processor 302 is the master of the decoding system 300. It controls the data flow of decoding processing. All video decode processing, except where otherwise noted, is performed in the core processor.” (MacInnis, Paragraph [0040], Lines 1-4). Thus, the Applicant notes that the cited sections of MacInnis that disclose a core decoder processor 302 of a video decoding system 300 are clearly different than a host processor that is discrete from a video decoder.

In an effort to further clarify the Applicant's claim language, independent claim 1 has been amended to clarify that a master processor of a video decoder is different than a host processor. Thus, the Applicant notes that the cited sections of MacInnis's disclosure that teach a core decoder processor 302 that is the master of video decoding system 300 is clearly different than "**a host processor** for providing an indication to the video decoder indicating the particular encoding standard, wherein **the video decoder, comprising the master processor**, for decoding the video data encoded with the particular standard **is discrete from the host processor**," as set forth in Applicant's independent claim 1.

The Applicant notes that the previous Office Actions have been generally vague with regard to identifying components in MacInnis that allegedly teach the Applicant's claim limitations. Thus, if the next Office Action maintains the rejections, the Applicant respectfully requests that the Office Action specifically point to the element numbers in the identified figures that allegedly disclose the Applicant's video decoder comprising a master processor and a discrete host processor. Specifically, the Applicant respectfully requests that the Examiner indicate (a) MacInnis's video decoder, (b) the master processor of MacInnis's video decoder, and (c) MacInnis's host processor that is discrete from MacInnis's video decoder comprising the master processor.

Because the Office Action has failed to show "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" as required for an anticipation rejection under MPEP 2131, the rejection of claim 1 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the cited sections of the MacInnis reference fails to teach, suggest, or disclose Applicant's invention as set forth in claim 1. The Applicant believes that claim 1 is allowable over MacInnis. Applicant respectfully submits that claim 1 is an independent claim, and that claims 2-7 depend either directly or indirectly from independent claim 1. Because claims 2-7 depend from claim 1,

Applicant respectfully submits that claims 2-7 are allowable over the MacInnis reference, as well. The Applicant respectfully requests, therefore, that the rejection of claims 1-7 under 35 U.S.C. §102(e), be withdrawn.

Regarding claim 8, the Applicant respectfully submits that the cited sections of MacInnis fail to teach, suggest, or disclose, for example, **“receiving an indication from a host processor by a video decoder** indicating the particular encoding standard, wherein **the video decoder comprises a master processor and is discrete from the host processor,”** as set forth in Applicant’s independent claim 8.

As discussed above, the Applicant notes that the cited sections of MacInnis discloses a core decoder processor 302 that is the master of video decoding system 300, which is different than **“receiving an indication from a host processor by a video decoder** indicating the particular encoding standard, wherein **the video decoder comprises a master processor and is discrete from the host processor,”** as set forth in Applicant’s independent claim 8.

Because the Office Action has failed to show “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” as required for an anticipation rejection under MPEP 2131, the rejection of claim 8 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the cited sections of the MacInnis reference fails to teach, suggest, or disclose Applicant’s invention as set forth in claim 8. The Applicant believes that claim 8 is allowable over MacInnis. Applicant respectfully submits that claim 8 is an independent claim, and that claims 9-13 depend either directly or indirectly from independent claim 8. Because claims 9-13 depend from claim 8, Applicant respectfully submits that claims 9-13 are allowable over the MacInnis reference, as

well. The Applicant respectfully requests, therefore, that the rejection of claims 8-13 under 35 U.S.C. §102(e), be withdrawn.

Regarding claim 14, the Applicant respectfully submits that MacInnis fails to teach, suggest, or disclose, for example, “wherein the master decoder processor loads the code memory after receiving an indication from a discrete host processor indicating the particular encoding standard,” as set forth in Applicant’s independent claim 14.

As discussed above, the Applicant notes that the cited sections of MacInnis discloses a core decoder processor 302 that is the master of video decoding system 300, which is different than “wherein the master decoder processor loads the code memory after receiving an indication from a discrete host processor indicating the particular encoding standard,” as set forth in Applicant’s independent claim 14. Because the Office Action has failed to show “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” as required for an anticipation rejection under MPEP 2131, the rejection of claim 14 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the cited sections of the MacInnis reference fail to teach, suggest, or disclose Applicant’s invention as set forth in claim 14. The Applicant believes that claim 14 is allowable over MacInnis. Applicant respectfully submits that claim 14 is an independent claim, and that claims 16-18 depend either directly or indirectly from independent claim 14. Because claims 16-18 depend from claim 14, Applicant respectfully submits that claims 16-18 are allowable over the MacInnis reference, as well. The Applicant respectfully requests, therefore, that the rejection of claims 14, 16-18 under 35 U.S.C. §102(e), be withdrawn.

Final Matters

The Office Action makes various statements regarding claims 1-14 and 16-18, 35 U.S.C. § 102(e), the MacInnis reference, etc. that are now moot in view of the above amendments and/or arguments. Thus, the Applicant will not address all of such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicant reserves the right to argue additional reasons supporting the allowability of claims 1-14, 16-18 and 21-23 should the need arise in the future.

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Resp. to Office Action mailed September 18, 2008
Response dated December 16, 2009

CONCLUSION

Applicant respectfully submits that all of claims 1-14, 16-18 and 21-23 are in condition for allowance, and requests that the application be passed to issue.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: December 16, 2009

Respectfully submitted,

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